



## **NATURE OF THE CLAIM**

1. The United States makes no response to the legal conclusions and allegations regarding the nature of the claims contained in Paragraph 1, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 1.

## **JURISDICTION AND VENUE**

2. The United States makes no response to the legal conclusions and allegations regarding jurisdiction and venue contained in Paragraph 2, as no response is required. To the extent the Court deems an answer is appropriate, the United States admits that this Court has jurisdiction under 7 U.S.C. § 2023(a)(13). The United States further admits that form and venue exists under 5 U.S.C. § 703. The United States denies the remaining allegations.

3. The United States admits the allegations contained in Paragraph 3.

4. The United States admits the allegation contained in Paragraph 4.

## **THE PARTIES**

5. The United States lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 5. To the extent an answer is required, the allegations contained in Paragraph 5 are denied.

6. The United States admits the United States Department of Agriculture (“USDA”) is a federal agency of the United States and that Food Nutrition Service

(“FNS”) is a part of the USDA. All other allegations contained in Paragraph 6 are denied.

### **BACKGROUND FACTS**

7. The United States lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7. To the extent an answer is required, the allegations contained in Paragraph 7 are denied.

8. The United States lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8. To the extent an answer is required, the allegations contained in Paragraph 8 are denied.

9. The United States admits the allegations contained in Paragraph 9 to the extent that the Plaintiff was authorized to accept food stamps through the Supplemental Nutrition Assistance Program (“SNAP”).

10. The United States admits the allegations contained in Paragraph 10.

11. The United States lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 11. To the extent an answer is required, the allegations contained in Paragraph 11 are denied.

12. The United States admits the part of Paragraph 12 alleging that Plaintiff, through counsel replied to the charges therein requesting the imposition of a civil money penalty in lieu of a permanent SNAP disqualification. All remaining allegations contained in Paragraph 12 are denied.

13. The United States admits the allegations contained in Paragraph 13.

14. The United States admits the allegations contained in Paragraph 14.

15. The United States admits the allegations contained in Paragraph 15.

**STATEMENT OF CLAIMS**  
**AS AND FOR A FIRST COUNT**

16. The United States incorporates by reference the responses in paragraphs 1 through 15 above.

17. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 17, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 17.

18. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 18, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 18.

19. The United States lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 19. To the extent an answer is required, the allegations contained in Paragraph 19 are denied.

20. The United States lacks knowledge or information sufficient to form

belief about the truth of the allegations in Paragraph 20. To the extent an answer is required, the allegations contained in Paragraph 20 are denied.

21. The United States lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21. To the extent an answer is required, the allegations contained in Paragraph 21 are denied.

22. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 22, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 22.

23. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 23, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 23.

24. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 24, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 24.

25. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 25, as no

response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 25.

**AS AND FOR A SECOND COUNT**

26. The United States repeats, reiterates, and realleges each and every response made in the foregoing paragraphs, as fully set forth herein.

27. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 27, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 27.

28. The United States makes no response to the legal conclusion and allegation regarding the nature of the claim contained in Paragraph 28, as no response is required. To the extent the allegation is deemed factual in nature by the Court, the United States denies the allegation contained in Paragraph 28.

29. The United States makes no response to the legal conclusion and allegation regarding the nature of the claim contained in Paragraph 29, as no response is required. To the extent the allegation is deemed factual in nature by the Court, the United States denies the allegation contained in Paragraph 29.

30. The United States makes no response to the legal conclusion and allegation regarding the nature of the claim contained in Paragraph 30, as no

response is required. To the extent the allegation is deemed factual in nature by the Court, the United States denies the allegation contained in Paragraph 30.

31. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 31, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 31.

32. The United States makes no response to the legal conclusion and allegation regarding the nature of the claim contained in Paragraph 32, as no response is required. To the extent the allegation is deemed factual in nature by the Court, the United States denies the allegation contained in Paragraph 32.

33. The United States makes no response to the legal conclusion and allegation regarding the nature of the claim contained in Paragraph 33, as no response is required. To the extent the allegation is deemed factual in nature by the Court, the United States denies the allegation contained in Paragraph 33.

34. The United States makes no response to the legal conclusion and allegation regarding the nature of the claim contained in Paragraph 34, as no response is required. To the extent the allegation is deemed factual in nature by the Court, the United States denies the allegation contained in Paragraph 34.

35. The United States makes no response to the legal conclusion and allegation regarding the nature of the claim contained in Paragraph 35, as no

response is required. To the extent the allegation is deemed factual in nature by the Court, the United States denies the allegation contained in Paragraph 35.

36. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 36, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 36.

37. The United States makes no response to the legal conclusions and allegations regarding the nature of the claim contained in Paragraph 37, as no response is required. To the extent the allegations are deemed factual in nature by the Court, the United States denies all allegations contained in Paragraph 37.

38. The United States denies all allegations contained in Paragraph 38.

39. The United States makes no response to the legal conclusion and allegation regarding the nature of the claim contained in Paragraph 39, as no response is required. To the extent the allegation is deemed factual in nature by the Court, the United States denies the allegation contained in Paragraph 39.

### **PRAYER FOR RELIEF**

With respect to allegations contained in the unnumbered Paragraph in the Complaint, including subsections 1 through 5, under the section titled “PRAYER FOR RELIEF,” the United States asserts that the allegations contained in the unnumbered Paragraph and subsections constitute Plaintiff’s prayer for relief to



which no answer is required. However, to the extent that the aforementioned paragraph is deemed to contain allegations or averments, they are denied.

### **JURY TRIAL DEMAND**

The United States denies that Plaintiff is entitled to a trial by jury sought in the unnumbered

Paragraph in the Complaint under the section titled “JURY TRIAL DEMAND.”

### **GENERAL DENIAL**

40. Insofar as responses may be deemed required, the United States denies all allegations in the Complaint which were not specifically admitted or denied above.

41. The United States reserves the right to file a counterclaim.

### **DEFENSES**

In accordance with Rule 8(c) of the Federal Rules of Civil Procedure, the United States asserts the following affirmative defenses:

1. The United States, in assessing its administrative sanction of permanent disqualification against Plaintiff, has acted in strict accordance with federal statutes and Agency rules and regulations promulgated thereunder.

2. Without waiving any of the previous defenses, the United States reserves the right to plead such additional defenses as they may become known

through the factual development of the case, investigation, discovery, research, and otherwise.

Therefore, having fully answered all counts of the Complaint, the United States respectfully requests that the Complaint be dismissed, that all of Plaintiff's requested relief be denied. The United States also requests all other relief, at both law and equity, to which it is entitled.

Respectfully Submitted,

RYAN K. PATRICK  
UNITED STATES ATTORNEY

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ATTORNEYS IN CHARGE FOR  
THE UNITED STATES OF AMERICA

**CERTIFICATE OF SERVICE**

I certify that on February 1, 2021, a true and correct copy of the foregoing was filed with the United States District Clerk for the Southern District of Texas and electronically served on all counsel of record via the District's ECF system.

/s/ Vikram S Arora

VIKRAM S. ARORA

Assistant United States Attorney